



United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2017-01201

December 17, 2018

Via email: 42967-17440295@requests.muckrock.com

Jesse Coleman
Muckrock
1849 C Street, NW
Washington, DC 20240

Dear Mr. Coleman:

On September 15, 2017 you filed a Freedom of Information Act (FOIA) request seeking the following:

“List of all participants, copies of agenda, notes, minutes, or any other material created during or for the May 22, 2017 2:30-3:00 meeting between Secretary Zinke and the American Petroleum Institute. Other DOI participants in this meeting include Christine Bauserman, Aaron Thiele, Vincent Devito, Gisella Ojeda-dodds, and Downey Magallanes.”

Your request was received in the Office of the Secretary FOIA on September 15, 2017 and assigned control number **OS-2017-01021**. Please cite this number in any future communications with our office regarding your request. We are writing today to provide a response to your request. We have electronically enclosed four files containing 113 pages of records. Of those pages, 108 are being released in their entirety and 5 pages contain redactions as described below. We will provide additional responses on a rolling basis.

Portions of the enclosed documents have been redacted pursuant to Exemptions 6 of the FOIA (6 U.S.C. § 552 (b)(6)) under the following privilege:

Personal Privacy

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” The courts have held that the phrase “similar files” involves all information that applies to a particular person. Hertzberg v. Veneman, 273 F. Supp. 2d 67, 85 n.11 (D.D.C. 2003).

To determine whether releasing requested information would constitute a clearly unwarranted invasion of personal privacy, we are required to perform a “balancing test.” This means that we must weigh the individual’s right to privacy against the public’s right to disclosure.

- (1) First, we must determine whether the individual has a discernable privacy interest

- in the information that has been requested.
- (2) Next, we must determine whether release of this information would serve “the public interest generally” (i.e., would “shed light on the performance of the agency's statutory duties”).
 - (3) Finally, we must determine whether the public interest in disclosure is greater than the privacy interest of the individual in withholding.

The information that we are withholding consists of personal information, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in it. Additionally, we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties and that, on balance, the public interest to be served by its disclosure does not outweigh the privacy interest of the individuals in question, in withholding it. Nat’l Ass’n of Retired Fed. Employees v. Horner, 879 F.2d 873, 879 (D.C. Cir. 1989).

In summation, we have determined that release of the information that we have withheld would constitute a clearly unwarranted invasion of the privacy of these individuals, and that it therefore may be withheld, pursuant to Exemption 6.

Maria Lurie, Attorney-Advisor, in the Office of the Solicitor, was consulted in reaching this decision. Clarice Julka, Office of the Secretary FOIA Officer, is responsible for making this decision.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions about our response to your request, you may contact Keiosha Alexander by phone at 202-513-0765, by fax at 202-219-2374, by email at os_foia@ios.doi.gov, or by mail at U.S. Department of the Interior, 1849 C Street, NW, MS-7328, Washington, D.C. 20240. You also may seek dispute resolution services from our FOIA Public Liaison, Clarice Julka, at the phone and address above.

Sincerely,

Ryan McQuighan
Office of the Secretary
Acting FOIA Officer

Electronic Enclosure